

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

v.

M. MARTEL, et al.,

Defendants.

No. 2:20-cv-01384-TLN-CKD

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on April 7, 2022. (ECF No. 25.) On April 17, 2022, Plaintiff filed a notice of appeal.¹ (ECF No. 27.) The Ninth Circuit Court of Appeal referred this matter to the District Court for the limited purpose of determining whether Plaintiff's in forma pauperis status should continue on appeal. (See ECF No. 30.)

The Federal Rules of Appellate Procedure provide as follows:

[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed

Fed. R. App. P. 24(a). After review of the record herein, the Court finds that Plaintiff's appeal is not taken in good faith. Accordingly, Plaintiff's in forma pauperis is revoked for purposes of

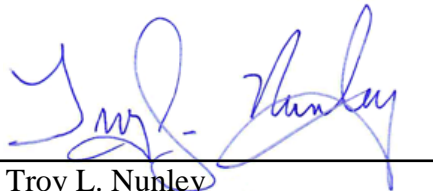
¹ All filing dates are calculated using the prison mailbox rule. See *Houston v. Lack*, 487 U.S. 266 (1988).

1 appeal.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Plaintiff's in forma pauperis status is revoked. *See* Fed. R. App. P. 24(a).
4 2. A copy of this Order shall be served on the Ninth Circuit Court of Appeals.

5 DATED: May 5, 2022

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9 Troy L. Nunley
United States District Judge